



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 14.18

Subject: Investigating Abuse and Neglect Involving Foster Parents as Perpetrators

Supersedes: DCS 14.18, 05/01/01

Local Policy: No
Local Procedures: No
Training Required: No

Approved by:

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Application

To All Department of Children's Services Child Protective Services case managers, team leaders, Team Coordinators and Regional Administrators

Authority: TCA 37-1-401 through 37-1-612; 37-5-106

Policy

The Department of Children's Services shall investigate reports of abuse involving a DCS or contract foster parent as the alleged perpetrator if the referral meets the criteria for investigation. The CPS team leader shall immediately notify the case manager of the foster parent regardless of whether the referral is assigned or screened out. As with all investigations, all information shall be confidential; the foster home worker is prohibited from releasing any information about the investigation to the foster parent. The investigating case manager and the case manager for the foster child must develop a safety plan to ensure that all children are protected during the investigation.

Procedures

A. Serious incident report

The child protective services case manager assigned to investigate the case shall complete a serious incident report as outlined in DCS policy 1.4, *Incident Reporting* and the *Incident Reporting Manual*.

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**B. Investigative
process**

1. The CPS team leader shall immediately notify the case manager of the foster parent regardless of whether the referral is assigned or screened out. As with all investigations, all information is confidential; the foster home worker is prohibited from releasing any information about the investigation to the foster parent. Neither the case manager assigned to the investigation nor the team leader must not have had any previous relationship with the foster family. A CPS case manager or team leader that doesn't know or does not routinely work with the foster family must conduct and supervise the investigation.
2. If the foster parents are employed through a contract agency, that agency and DCS licensing shall be notified that a CPS referral has been received.
3. The case manager shall notify the foster parent that they have access to the Foster Parents Advocate via the Foster Parent Bill of Rights, *TCA 37-2-415 (23)*. Upon request of the foster parent, the advocate shall be permitted to be present at all portions of investigations where the accused foster parent(s) are present, and all communication received by such an advocate therein shall remain confidential.
4. If a contract agency is involved, the CPS case manager shall maintain contact with the DCS licensing counselor during the course of the investigation.
5. During the course of the investigation, CPS will develop a safety plan for the foster children and the foster parents' birth children in consultation with the foster care team leader. Refer to CPS Policy 14.8, Child Protective Services Safety Plans and Non-Custodial Petitions.
6. Upon classification, the team leader or designee shall notify the foster parent(s), the child victim's case manager, and the DCS licensing counselor if the foster parents are employed through a contract agency, of the classification.
7. The foster parent, if indicated for sexual abuse, severe child abuse or physical abuse, shall be offered Due Process as outlined in DCS policy 14.11, *Child Protective Services Due Process*. If a contract agency employs the foster parents, the indicated classification may not be released until the completion of due process. For other indicated allegations, the foster parent shall be notified of the right for a CPS commissioner's case file review (DCS Policy 14.10, *Child Protective Services Commissioner's Case File Review of Indicated Neglect or Abuse Investigations*).
8. Due to confidentiality constraints, copies of the referral and the investigative information must not be placed in the

foster home record, but shall be maintained in a separate CPS investigative file and the child victim's record. A notation should be recorded in the foster home file that the other investigative record does exist.

9. If it is determined that the foster child needs to be removed from the home, the guidelines listed below shall be followed:
 - a) If the child has lived in the foster home for twelve (12) months or more, the foster parent(s) has/have a right to appeal the removal of the child.
 - b) Foster parents must receive a ten (10) day notice prior to removal of the child, however, if it is believed the child is in imminent danger of harm, DCS may remove the child immediately in such circumstances.
 - c) In emergency removals, the foster parent has the right to appeal the removal if the child has been in the home for one year or longer.

Forms

None

Collateral Documents

Incident Reporting Manual

Standards

None.